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SUBJECT: PANAMA: AD HOC COMMITTEE WADES THROUGH SUPREME
COURT MAGISTRATE NOMINEES

Summary

11. (SBU) An ad hoc committee, named by President Martin Torrijos, on December 17, began wading through the applications of candidates interested in filling one of two seats Panama's Supreme Court. In keeping with the method established for his last nominations, Torrijos named this committee to provide political cover to name new magistrates to the top court in Panama's troubled judiciary and to demonstrate his willingness to consult with civil society. The committee has 10 days to report to Torrijos. Torrijos then has until December 31 to nominate two individuals to serve on the court and secure approval of two-thirds of the National Assembly's Deputies. By the December 15 deadline for nominating individuals to the committee, a total of 74 individuals had been proposed. According to Panama's ever churning rumor mill, two early front runners are criminal lawyer and former Supreme Court Assistant Jeronimo Mejia and governing Revolutionary Democratic Party (PRD) National Assembly Deputy Roberto Abrego. On December 18, Alliance for Justice President Magaly Castillo called on the ad hoc committee, of which she is a member, to publish a short list of the most qualified candidates, a provision that is unlikely to be implemented. End Summary.

The Ad Hoc Committee

12. (SBU) In accordance with Article 203 of Panama's Constitution, Torrijos must appoint two new Supreme Court Magistrates by December 31. Each appointee would serve 10-year terms and replace current Supreme Court President Graciela Dixon and Magistrate Jose Troyano, both of whom are stepping down at the conclusion of their 10-year terms. Dixon and Troyano were appointed by former President Ernesto "El Toro" Perez Balladares, who is also a PRD member.

13. (SBU) To manage growing civil society concern regarding appointments to Panama's high court and to offer a semblance of broad consultation, Torrijos once again chose to name an ad hoc committee. This committee is composed of representatives from the Pro-Justice Alliance NGO, the National College of Lawyers, the National Association of Judges and Magistrates, the Ecumenical Council, and others. National College of Lawyers President (and active PRD member) Marta Lopez de Martin presides over this ad hoc committee. Lopez is also an advisor to the National Assembly. The

committee is not empowered to screen out candidates, but will provide extensive comments on each candidates' qualifications. The Committee was to begin 30-minute interviews with each candidate beginning December 17. Torrijos will then pick his two nominees from this pool of 74 candidates. On December 18, Alliance for Justice President Magaly Castillo called on the ad hoc committee, of which she is a member, to publish a short list of the most qualified candidates, a provision that is unlikely to be implemented.

The Good, The Bad, and The Ugly

14. (SBU) The Good -- The list of 74 candidates includes several individuals who are generally perceived as being highly professional and have reasonably good reputations. Included in this category are:

- Superior Court Magistrates Luis Carrasco, Wilfredo Saenz, and Aidelna Pereira;
- the current Secretary General of the Attorney General's Office Rigoberto Gonzalez;
- the current Secretary General of the Public Defender's (Ombudsman's) Office, Carlos Vasquez;
- former FM and legislator Oyden Ortega;
- current judge Ileana Turner;
- current prosecutor Maruquel Castroverde;
- former prosecutor Guillermina de McDonald;
- current head of the public defenders' institute Gabriel Fernandez;
- current head of the judicial school Hipolito Gil; and
- private sector attorney, nominated by a group of businessmen, Aura Feraud who previously served on the now extinct Panama Canal Commission and as Solicitor General.

15. (SBU) The Bad -- Most of the names on the candidates list are widely seen as being bad, ill-prepared, or simply unknown. Much to their chagrin, civil society groups, business chambers, and other NGOs beating the bushes to find candidates found few takers.

16. (SBU) The Ugly -- In addition to former dictator Manuel Antonio Noriega's attorney, Ramiro Fonseca, there are a few unscrupulous candidates. Maritime Magistrate Calixto Malcolm, suspected of corrupt activities and also denounced by Panama's biggest and most powerful law firm, Morgan and Morgan, for improper dealings, is among the candidates. The judge, Eugenia Lopez Arias who presided over the manipulated 1997 trial of current National Assembly President Pedro Miguel Gonzalez (PMG) is also a candidate. Lopez engaged in numerous improper ex parte contacts with PMG's defense counsel in this trial that eventually acquitted PMG of charges in connection with the 1992 murder of a U.S. serviceman.

The Frontrunners

17. (SBU) According to Panama's often overheated rumor mill, two early frontrunners are criminal lawyer and former Supreme Court Assistant Jeronimo Mejia and PRD legislator Robert Abrego. Mejia, who represents Panama City broadsheet daily La Prensa, has been involved in a number of freedom of speech cases. Abrego is less well known, but benefits from strong PRD connections. As the former head of the Legislative Government Committee, Abrego played a key role in the dismissal of Supreme Court Magistrate Manuel Faundes. Faundes' dismissal paved the way for Torrijos to appoint his first magistrate to the high court, Esmeralda de Troitino.

Comment

18. (SBU) Most of the candidates, many of whom were self-nominated, have no chance at being named to the Supreme Court. Additionally, one has to wonder about the very ability of the committee to review the applications of and interview the 74 candidates, most of whom have no hope of ever being nominated, during the week before Christmas. Many observers view Torrijos' consultation mechanism as insincere, especially this time since it is being managed by a PRD partisan. Post will continue to track and report on the Supreme Court Magistrate nomination process.
EATON